

TESTIMONY RE: PROPOSED BILL NO. 494

CONNECTICUT STATE LEGISLATURE JUDICIARY COMMITTEE

APRIL 1, 2014

My name is Amy Klein I have practiced law for the past 25 years. I represent children as Attorney for the Minor Child or Guardian Ad Litem in Family Court, Juvenile Court, Criminal Court and Probate Court. As it is my opinion that AMC/GALs are necessary and vital in highly contested dissolution of marriage and custody cases, I do generally agree with RB. 494.

In regards to the specifics of the proposed bill, there should be an exception to Section 1(b) allowing for immediate appointment of an AMC or GAL in cases of ex parte applications or restraining orders.

While I have no objection to motions seeking the removal of an AMC/GAL, such motions should be specific and be limited as to frequency. In addition, if said motions are denied they should be removed from the file. In the alternative, said motions should be sealed.

Section 5(a) provides that “[if] the child is receiving or has received state aid or care...” then the compensation for the AMC/GAL shall be at state rates. Currently, if the parents are considered indigent the AMC/GAL is compensated at state rates. Section 5(a) is overly broad in allowing situations where if a child has ever received state aid or care, then the compensation for the AMC/GAL shall be at state rates. This should be tightened up and address the current financial situation of the parties.

I am fully aware that compensation for AMC/GALs is currently a topic of much controversy and angst. Sections 5(c) and 5(d) provide for a sliding scale and reductions in AMC/GAL fees. As most AMCs and GALs we support a physical office, office staff, professional memberships, ongoing trainings, insurance, and other expenses to practice. In reality Sections 5(c) and 5(d) would allow parents to fund their ongoing disputes and deplete their assets for the benefit of their own attorney representation at the

expense of the AMC/GAL who is charged with representing the interest of the minor child(ren).

AMC/GALs should be compensated in proportion to the parties' own counsel. If there is to be a reduction, then there should be a percentage reduction across the board, of all attorneys involved in the matter.

There should be no argument that the emphasis in custody cases should continue to be the best interests of the minor child(ren). This emphasis is paramount in disputed custody matters. Parties that are embroiled in a highly contested custody case sometimes lose the perspective and objectivity needed to not only aid their children through the process but ensure their safety and well being. These cases are where the AMC/GALs are necessary and vital to the process.

Thank you for your consideration and attention to this matter.